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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION

THE MUSIC FORCE, LLC

Plaintiff,

v.

SONY MUSIC HOLDINGS INC, SONY
MUSIC ENTERTAINMENT DIGITAL
LLC, SONY MUSIC ENTERTAINMENT
DOWNLOADS LLC, SONY
CORPORATION OF AMERICA,
("SONY"); MONTERO LAMAR HILL,
AKA LIL NAS X, ("X"); JEFFRY
MAXWELL NEWLIN, AKA
WYNTERBEATS, ("BEATS")
and Does 1 -100,

Defendants.

Case No.

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

1. Copyright Infringement
2. Declaratory Relief
3. Accounting
4. Unjust enrichment

DEMAND FOR JURY TRIAL

Plaintiff THE MUSIC FORCE, LLC (sometimes referred to as "TMF" or "Plaintiff")
submits this Complaint and alleges, upon information and belief, as follows:

JURISDICTION AND VENUE

1. This action arises under the Unites States Copyright Act, 17 U.S.C. section 101 et seq.
2. This Court has exclusive jurisdiction over this action under 28 U.S.C. sections 1331 and 1338 in that this action involves claims arising under the Copyright Act.
3. The Court has personal jurisdiction under the Defendants and each of them as they regularly transact and solicit business in the State of California.
4. Venue is this District is proper under 38 U.S.C. because Defendants are subject to personal jurisdiction in this District.

PARTIES

5. Plaintiff TMF is a Tennessee LLC with its principal place of business being 4747 Purdue Street, Culver City within Los Angeles County.
6. Defendants X and BEATS, and Does 1-10 regularly conduct business in Los Angeles County including filming promotional music videos in Los Angeles ,California.
7. Defendant SONY conducts its business at its address of 10202 Washington Blvd., Culver City within the County of Los Angeles, within the jurisdiction of this Court and District.
8. Plaintiff TMF does not know the identity of other responsible parties in this action and therefore Defendants sued herein as Does 1-100 inclusive and therefore sue these Defendants by their fictitious names. Plaintiff will seek leave of Court to amend the Complaint to reflect the true names and capacities of said Does 1-10, inclusive when these have been ascertained. Plaintiff is informed and believes that said fictitiously named Defendants, and each of them, were responsible in some manner for the harm sustained by Plaintiff as set forth herein.
9. Plaintiff TMF alleges that each Defendant was the agent, principal and/or employee of each other in the acts, conduct and omissions alleged herein and therefore incurred liability to

1 Plaintiff TMF for all such acts and/or omissions. Plaintiff further alleges that all such
 2 Defendants were acting within the course and scope of their employment and/or said
 3 agency.

4 **FACTS COMMON TO ALL COUNTS**

5
 6 **10.** TMF owns all rights of a composition entitled CARRY ON written by Bobby Caldwell.

7 Attached hereto and marked as EXHIBIT "A" is a true and accurate copy of both
 8 CERTIFICATE OF COPYRIGHT REGISTRATION dated January 19, 1982 and
 9 CERTIFICATE OF SUPPLEMENTAL COPYRIGHT REGISTRATION dated
 10 December 19, 1983 evidencing these rights.

11 **11.** Without consent, license or approval as required by the COPYRIGHT Law, defendants X
 12 and BEATS and Does 1-20 appropriated parts of CARRY ON in the creation of a new
 13 song/recording entitled "CARRY ON".

14 **12.** Motivated by greed and malicious intent, said Defendants X and BEATS posted this
 15 recording of "CARRY ON" containing the property of TMF on various platforms
 16 including YOUTUBE with 3,892,783 views as of July 2, 2019 and on streaming platforms
 17 such as Spotify and Sound Cloud. Another version posted on YOUTUBE from THE
 18 SIMPSONS also contained the infringed version of TMF's copyright protected version of
 19 CARRY ON and garnered 133,170 views. Our research indicates that as of today,
 20 Tuesday, July 23, 2019, there are over 85 new illegal versions on YOUTUBE.

21 **13.** SONY on or about June, 2019 acquired all rights to services of and recordings of X
 22 produced by BEATS . As SONY so acquired these rights and the services of X, SONY
 23 knew or should have known (normal Due Diligence process) to make sure that all elements
 24 of CARRY ON had been cleared. Recognizing that the trajectory of
 25 this artist's, X, public acceptance was on a pathway to becoming a number one hit
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1 globally, SONY took no action to abate the mounting damages to TMF as the value of

2
3 CARRY ON was being dissipated by this unauthorized, infringing use.

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5 14. SONY elected to take no action to stop this illegal, unauthorized infringement as it was far
6 more important to SONY to preserve its opportunity to enjoy millions of dollars of revenues
7 from the success of the career of X.

8 15. To complicate the matter even further resulting in continuing damages to TMF was the fact
9 that others had and are retweeting or posting other versions of CARRY ON containing the
10 unauthorized use of TMF's property. SONY has done nothing to halt all such infringing
11 behavior.

12
13 **FIRST CAUSE OF ACTION**

14 **COPYRIGHT INFRINGEMENT**

15 16. Plaintiff re-alleges herein by this reference each and every allegation contained in
16 paragraphs 1 through 15., inclusive, as though fully set forth herein.

17 17. TMF is the exclusive owner of the copyright in the CARRY ON composition and as such,
18 has the exclusive rights under the Copyright Act, among other things, to reproduce,
19 distribute, prepare derivative works from and otherwise exploit CARRY ON, and to allow
20 or not allow third parties to exercise such rights.

21
22 18. TMF never authorized X or BEATS and Does 1-20 or anyone working for them to use
23 CARRY ON in any manner.

24 19. Despite the foregoing, X and BEATS and its successor in interest SONY and DOES 20-30
25 prepared their recording of CARRY ON using TMF's CARRY ON thereby infringing on the
26 rights of TMF.

27 20. X and BEATS and Does 1-20 infringement and the subsequent infringement by SONY and
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DOES 20-30 under the Copyright Act was deliberate and willful.

21. By reason of Defendants X and BEATS and does 1-20 and Defendant SONY and does 20-30, TMF has sustained substantial injury, loss and damages in an amount to be determined at trial, and upon information and belief, said Defendants has derived income and profits to which said Defendants are not entitled.

SECOND CAUSE OF ACTION

DECLARATION OF AUTHORSHIP/OWNERSHIP

22. Plaintiff incorporated by this reference and realleges all proceeding paragraphs of this Complaint.

23. As delineated in this Complaint by all of said Defendants' unauthorized use of TMF's CARRY ON in the creating of X and BEATS version of CARRY ON, we would ask this Court to determine that X and BEATS version is a joint work owned by said Defendants and TMF.

24. Plaintiff hereby requests that this Court declare that X and BEATS version is a derivative work in which Plaintiff has an ownership interest.

25. Plaintiff requests that all monies and credit that has thus far been denied to TMF, and the future, as a result of this unauthorized use of TMF's Copyright protected property be awarded to Plaintiff.

THIRD CAUSE OF ACTION

ACCOUNTING

26. Plaintiff incorporates by reference and realleges the preceding paragraphs of this Complaint.

27. Because Defendants X, BEATS and does 1-20 and Defendants SONY and does 20-30, are currently in constructive and apparent possession of Plaintiff's intellectual property and

monies, they owe a fiduciary duty to Plaintiff.

28. Therefore Plaintiff demands an accounting of all monies all Defendants have received and which Plaintiff are due but have not been paid as a result of the unauthorized of its aforesaid copyrighted work, CARRY ON.

FOURTH CAUSE OF ACTION

UNJUST ENRICHMENT

29. Plaintiff incorporates by reference and re-alleges the preceding paragraphs of this Complaint.

30. All Defendants have profited off of the use of TMF's property work, CARRY ON without providing any credit, compensation, or obtaining authorization to exploit Plaintiff's property.

31. This is unjust and Plaintiff demands and requests a judgment requiring all Defendants to pay to Plaintiff all monies they have been unjustly enriched by.

PLAINTIFF DEMANDS TRIAL BY JURY

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as follows:

1. For monetary damages, in an amount to be proven at trial, believed to be not less than \$10,000,000.00, inclusive of damages suffered due to the confusion in the marketplace with two songs with the same title with the net effect of destroying completely the value of TMF's property.
2. For prejudgment interest at the maximum legal rate;
3. For punitive and exemplary damages, in an amount to be proven at trial believed to be not less than \$15,000,000.00;
4. For restitution and accounting of all gains, profits and advantages obtained by Defendants,

1 and each of them, as a result of their wrongful and unlawful conduct, in an amount to be
2 proven at trial;

3 5. For a Declaration that Plaintiff has an ownership interest in the infringed version of
4 CARRY ON.

5 6. For costs and expenses, including attorneys' fees; and

6 7. For such other and further relief as this Court deems proper.
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9 Dated: July 24, 2019

10 **LAW OFFICES OF MICHAEL R. SHAPIRO**
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15 By: 

16 Michael R. Shapiro

17 Attorney for Plaintiff TMF
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